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REASONS OF WEAKNESS OF THE UN'S ACTIVITY ON REGULATION OF THE REGIONAL AND OR INTERNATIONAL CONFLICTS

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Security Council, permanent members Temporary members General Assembly The regional and international conflicts

ABSTRACT

The veto right of the permanent members of UN is one of the worst gaps of the SC and this power made the organization non-democratic. Permanent members use the veto power as a political weapon against each other. Permanent members, based on geopolitical interests, impede the process of resolving conflicts. As a result, double standards arise in the activities of states using the veto right to ensure their interests, and the principle of the sovereign equality of states is violated. Countries with veto power use all legal and illegal means to realize their claims, while the principles arising from the norms of international law are sometimes of secondary importance. The second, permanent and temporary members of the SC are selected according to the Cold War period's regions. Two permanent members of the SC are the Western European states. They are Great Britain and France. Africa, Latin America and Caribbean region don't have permanent representatives, although the second one is the second most dense continent. No any Muslim country has permanent membership right in the Security Council. The third, increase of armament, interest of selling weapons to the conflicting countries prevents the SC to fulfill its role on adjustment of conflicts. The permanent members of the Security Council have more weapons and they have interests in selling their weapons to conflicting states. Therefore, it is not helpful for them to resolve conflicts quickly. The fourth, there is inequality between numbers of members of the SC and GA. The UN has 193 members. The Security Council is represented by 15 states. Five permanent members have the veto right. Veto right restricts rights of other states. Decisions are made in the interests of permanent members.

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REGİONAL VƏ YA BEYNƏLXALQ MÜNAQİŞƏLƏRİN NİZAMA SALINMASINDA BMT-nin FƏALİYYƏTİNİN ZƏİFLƏMƏSİNİN SƏBƏBLƏRİ

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Açar sözlər:

Təhlükəsizlik Şurası
Daimi üzvlər
Müvəqqəti üzvlər
Baş Məclis
Regional Və
Beynəlxalq
Münaqişələr

ANNOTASİYA

Daimi üzvlərin veto hüququ BMT Təhlükəsizlik Şurasının fəaliyyətinin ən böyük qüsurlarından biridir. Daimi üzvlər veto hüququndan bir-birinə qarşı diplomatik-siyasi mübarizədə siyasi silah kimi istifadə edirlər. Təhlükəsizlik Şurasının daimi üzvləri arasında geosiyasi maraqların təmin olunmasından doğan ziddiyyətlərin mövcud olması BMT mexanizmində veto hüququnun olması və qərarların qəbul edilməsində qeyri-demokratik səsvermə sisteminin mövcudluğu beynəlxalq və regional münaqişələrin nizama salınmasına mane olur. Nəticədə maraqlarını təmin etmək üçün veto hüququndan istifadə edən və onların əleyhinə olan dövlətlərin fəaliyyətində ikili standartlar yaranır.
İkincisi, Təhlükəsizlik Şurasının daimi və müvəqqəti üzvləri Soyuq müharibə dövrünə uyğun regionlar üzrə seçilirlər və bu seçimdə ədalətsizlik aydın görünür.
Üçüncüsü, sürətlə silahlanmanın artması, münaqişə yaşayan dövlətlərə silah satma marağı münaqişələrin nizama salınmasında Təhlükəsizlik Şurasının öz məsuliyyətini yerinə yetirməsinə imkan vermir. Silah satışında maraqlı olduqları üçün daimi üzvlər veto hüququndan yararlanaraq münaqişələrin həlli prosesini ləngidirlər.
Dördüncüsü, Baş Məclis və Təhlükəsizlik Şurası üzvlərinin sayı arasında qeyri-bərabərlik Təhlükəsizlik Şurasının əsas qüsurlarından biridir. Baş Məclisdə 193 dövlət var, Təhlükəsizlik Şurasında 15 dövlət təmsil olunur. Bunlardan 5 daimi üzv dünyanı idarə edir. Müvəqqəti üzvlərin səlahiyyətləri məhduddur. Hər hansı bir qərar qəbul ediləndə 14 üzv lehinə səs verərsə və 1 daimi üzv əleyhinə səs verərsə qərar qəbul edilmir.

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ПРИЧИНЫ ОСЛАБЛЕНИЯ ДЕЯТЕЛЬНОСТИ ООН В УРЕГУЛИРОВАНИИ РЕГИОНАЛЬНЫХ ИЛИ МЕЖДУНАРОДНЫХ КОНФЛИКТОВ

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Ключевые слова:

Совет безопасности
Постоянные члены
Временные члены
Генеральная ассамблея
Региональные и международные конфликты

АННОТАЦИЯ

Наличие в механизме ООН права вето постоянных членов Совета Безопасности является первой из причин, препятствующих урегулированию международных и региональных конфликтов. Члены Совета Безопасности, имеющие право вето, участвуя в каждом из основных органов ООН, используют право вето как политическое оружие в политико-дипломатической борьбе друг с другом. Постоянные члены, исходя из геополитических интересов, тормозят процесс урегулирования конфликтов. В результате возникают двойные стандарты в деятельности государств, пользующихся правом вето для обеспечения своих интересов, нарушается принцип суверенного равенства государств. Страны с правом вето используют все законные и незаконные средства для реализации своих притязаний, и при этом принципы, вытекающие из норм международного права, иногда имеют второстепенное значение. Во-вторых, постоянные и временные члены Совета Безопасности избираются по регионам, соответствующим периоду Холодной войны, и несправедливость в этом выборе очевидна. В-третьих, постоянные члены Совета Безопасности, ответственные за регулирование вооружения,- это страны, которые экспортируют больше всего оружия. Они сдерживают процесс разрешения конфликтов, воспользовавшись правом вето, поскольку они заинтересованы в продаже оружия. В-четвертых, неравенство между количеством членов Генеральной Ассамблеи и Совета Безопасности является одним из основных недостатков Совета Безопасности. В то время как в Генеральной Ассамблее представлены 193 государства, в Совете Безопасности представлены 15 государств, из них 5 постоянных членов правят миром.

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Introduction

Non-resolution of interstates and internal conflicts occurring in different regions of the world in the local level and because of these problems becoming the global conflicts is one of the problems much affecting the international security. In the Cold War period internal country problems were under control of the USA and Soviet Union. The UN usually did not intervene to the resolution of conflict. New global problems emerging in 90th, increasing the number of regional conflicts made the UN organize greater and more complex missions. Attendance of the third party – mediation was especially important in the resolution of the regional conflicts. From the experience, the influence of the UN out of mediators can be more effective. But recently the weakness of the UN while resolution of the regional conflicts, not implementation of adopted resolutions creates questions about the necessity of keeping or not this organization in the power. One of the main reasons of the UN not having the effectiveness in its mediation is not proper identification of the conflicting parties. In other words, the UN doesn't differentiate the aggressor state and self-defensive state exactly in its resolutions.

Universality of the UN, implementation of the compromise for the conflict parties based on the international norms of law, globalism of its activity, having broad experience and rights of applying all means on resolution of conflicts are conditions for keeping it as an indispensable international organization.

Each representing state in the UN have got the right to vote regardless of being powerful or small one, they can put their position in front of the world. But the rights of small states most cases are limited according to the interests of the states with veto right. Identification of which reforms to conduct in the UN in order to prevent the states with veto right to influence to the resolutions in favor of their national interests by participating in every organ of the UN and obtaining results of this identification research are actual problems. Also in such a period when the globalization goes faster the mutual dependency of the world states is increasing. Although the security system established by the UN plays a key role on adjusting the political-military processes in the world community, international security breaking factors in the modern world such as implementation of power policy, military intervention, international terrorism, international conflicts, nuclear problem, environmental security problems are getting globalized. In the current time when the globalization and integration is getting reinforced the existence of international organizations acting by the global international norms of law, especially universal organization of UN has significant importance. Increase in the number of global problems and getting more complex concerning the world community, coming from impossibility fighting against those problems stand alone, necessity of conducting reforms in the UN mechanisms have never been such actual since the establishment of the UN. The activity of the UN must respond the requirement of the global development. Conditions of the modern international relationships are different from the time when the UN was established for many features. From this perspective, the necessity of conducting reforms emerges in respond to the challenge of the time. That's why it is necessary to analyze the proposals of conducting reforms to strengthen the activity of the UN due to change in the historical political condition. The main aim for establishment of the UN was to prevent Germany and Japan to revive as chauvinist, militarist sates and to defense the international peace and security. It was considered not to allow any state organizations to get dominancy along with establishing equality principle of all members by means of political, economic and social cooperation within the organization. Germany and Japan, who were militarist states in their period now are claiming for being veto right members of the SC. Improvement of the international security system by the merged efforts of the world states rather than by one hegemon state in a one-way manner is actual matter now. The USA's taking the control over adoption of decisions in the UN, intervention of the matters within the jurisdiction of other states, not following the international norms of law can lead to the fiasco of the UN which is already losing its influence. The system of the UN has got mechanism to help to resolve conflicts according to the international norms of law by means of applying sanctions against the guilty party, make the governments to comply with the international norms of law for the steady development of the international relation-

ships. The UN’s Charter, who is acting within the multidirectional cooperation of the world states is a contract. Each state takes commitment according to the contract when it enters to the organization. Trials of changing the main decisions of the Charter which reflects main tendency of the modern international relations or not implementing them means violation of the international norms of law. In order to prevent the problems threatening the international security and to develop balanced international relations, the improvement and reinforcement of activity of the main organs of the UN such as General Assembly, Security Council, Economic and Social Council, Secretary, International Court and specialized organizations, investigation of conducting effective reforms are necessary.

To come to a conclusion when making the analysis of proposals on the reforms for reinforcement of the UN's activities in connection with changing historical and political situation is an actual problem. The main goal for establishing the UN was directed at preventing the revival of Germany and Japan as militaristic states, in the organization based on equality of all members reached by way of the political, economic, social cooperation, they had not to allow a supremacy of this or other groups of states. The break-up of the USSR and the balanced world order's leaving the political scene, striving of the USA to rule over the world from the single centre under idea of globalization, demand carrying out the reforms in UN in conformity with the historical and political situation. At one time the militaristic states, Germany and Japan now pretend to be members with veto right of the Security Council.

As a characteristic feature of the years of "Cold War" two superpowers, the USSR and USA came out a defender to one of conflict sides. One part of the conflicts had a feature of a fight against colony system, while the other part was connected with boundary pretentious. The peace operations of UN were directed mostly to control the cease-fire. The weaponless or light under the Military Staff-Committee of UN armed moving soldiers of a few states were arranged along the boundary of the states for putting in order the international conflicts. Peaceable forces were involved to operations when the Security Council put duty on them to control the cease-fire. UN ought to carry out observations in places, ought to estimate observing to the agreement about the cease-fire, ought to create conditions for diplomatic negotiations.

The new global problems emerged in the 90-es changed the character of UN operations. The Security Council freed from opposing the two powers, organized bigger and complex missions, activities of UN to support peace and security, the UN joined the peacemaking activities. Though, earlier the great powers were not taking part in sending the military contingent to the region of their interests. But beginning since the 90th USA, France, Great Britain, Russia have given priority of sending military contingent to conflict zone. At present, UN implement not only peaceable operations for preventing the conflicts at present, and but it also renders humanitarian assistance to the conflict region. In the most case peaceable operations of the UN are implemented in the collaboration with regional organizations. It's not advisable to place peaceable arms along the cease-fire line already. The police forces, military observers take part in peace operations. Because a few number of offers about reforms in UN have been proposed in connection with their carrying out in the mechanism of prevention, solution to the regional conflicts.

Defense opportunities of peace and security in the UN

Liberal approaches are actual for making clarity to the matter whether to keep or not the UN as a universal organization maintaining the balance of the international relations. For the representatives of neoliberalism which pushes forward ideas about new arrangement of the world, the network of international relations, such relations exists between the countries that power is not able to do so much while leading the policy, mobilization of armed forces costs much, that’s why development of the economic and juridical relations is more effective mean, although state is the main actor of international relations, it is not the only actor of that, in the modern world interstates organizations, such as the UN universal organization, regional organizations, especially OSCE, specialized organizations, non-governmental organizations, transnational corporations, states internal regions are acting. Neoliberals especially state the importance of reinforcement of mutual relations of economists

and politicians, also decreasing the factors such as military forces. They prefer reinforcement of the international institutions which has got a security system in the conditions of independent market, mutual dependency, integration (Lebedeva M.M. Mirovaya politika, 2007, p. 29-40).

Collective security is the main ground for the UN activity. According to the collective security theory, it is possible to prevent wars by means of power, it means that, steadily developing, increasing military means must be used for threatening, not for aggression. According to this theory, the military means must be aimed for use by the peacekeeper country for preventing war to be commenced by the aggressor country The idea of Collective security has been adopted for the first time in the Nations Community established after the First World War.

The UN recognized this idea in the 40th of XX century. The activity of the UN protecting the international peace and security in the network of internatonal relations is designated according to the Charter adopted and according to the application of international juridical principles. Russian lawyer G.I.Tunkin states that, resolution of global problems with the together trial of the whole mankind is possible by international adjustment, first of all, by the fast development of international law and international organizations and reinforcement of their role in the international life (Khalafov Kh.A. Mejdunarodniye ekonomicheskiye organizatsii v sisteme mejdunarodno-pravogo regulirovaniya, 2005, p.53). Then what are the international principles of law for adjustment of international relations? The international principles of law are the principles stated in the declaration adopted by the General Assembly in 1970 for development of friendship and cooperation between states, such as, states' souvereign equality, peaceful adjustment of the international arguments, honesty implementation of international commitments, not application of power, not intervening to the matter within the internal juridiction of any state, self defining the destiny of the nations, multidirectional cooperation principles and the principle of avoiding of threatening of any state's territorel integrity and political independency, security of the borders, respect of the rights and freedom of human, indicated in 1975 Helsinki Final Act of the OSCE. Moreover, according to the international norms of law all member states have to contribute in any event of the UN, have to avoid helping any state which is subjected to preventive or compulsory actions, also states which are not members have to follow these principles in order to protect international peace and security. Protection of peace and security, elimination of the means which are threats for peace, to resolve them based on international law following the principles of fair are the main basis of the UN Charter. It is necessary to explain the role and importance of the Charter strengthening and developing of interstate relations in order to correctly understand the opportunities of the UN for defense of peace and security. As it is expressed in the first paragraph of the Charter the main goals of the UN are to support peace and security, prevent and eliminate threats, eliminate the aggressor acts, adjust the international conflicts and conditions which can break peace according to the international principles of law (Charter of the United Nations and Statute of the International Court of Justice, San Francisco, 1945, p.3). The UN merges most of the world states, currently being 193 and plays the central role in resolution of problems within the international norms of law in multidirectional cooperation in order to get the above-mentioned goals.

Khavier Peres de Kuelyar, who was the Secretary General of the UN in 1982-1991 mentioned that there are two main functions of the UN. The first one is to try to resolve emergency cases and problems in a collective manner such as interstate international conflicts, emergency humanitarian aids, economic and social crisis. The second one is that, the UN activity is longer lasting and depends on hard periods of political and economic development (Khalafov Kh.A. Mejdunarodniye ekonomicheskiye organizatsii v sisteme mejdunarodno-pravogo regulirovaniya, 2005, p.41).

Although representatives' organ of the all members of the UN – General Assembly directs the attention of the Security Council towards the conditions that might create threat to break peace and security, the main responsibility for protection of international peace and security remains in the Security Council. The SC comprises of 15 members. The USA, Great Britain, the Northern Ireland United Kingdom, Russia, France, Chine are the permanent members of the SC. The rest 10 members are elected by the GA from the UN members for two years. 15 members of the SC are elected

according to the regional groups. The regional groups are divided into 8 categories and 5 main groups. 5 main groups are: 54 membered group of Africa, 53 membered group of Asia-Pacific Ocean, 23 membered East Europe, 33 membered group of Latin American and Caribbean and 28 membered West Europe and others. Despite being the largest group, the African group comprising 54 African countries members doesn't have any single permanent member in the SC. It has got 3 temporary members. 53 membered Asia Pacific group (Cyprus Republic is also in this group) has 1 permanent (Chine Republic), 2 temporary members. 33 membered the toughest third group of Latin American and Caribbean doesn't have any permanent member, it has got only 2 temporary members and it is the most ineffective group. The states of the smallest 28 membered group of the Western Europe and others having 3 permanent members (the USA, Great Britain, France) and 2 temporary members involves attention. Along with the Western Europe states, Austria, Canada, Israel, New Zealandia and Turkey are also in this group. The USA, which is not a standalone member of any other group is the monitoring member of this group. 23 membered eastern Europe Group, comprising of the Eastern Europe and Caucasus countries has the right of having 1 permanent (Russia Federation) and 1 temporary member (Ozan Örmeci Birleşmiş Milletler Güvenlik Konseyi ve Bölgesel Gruplar). Thus, temporary and permanent members are classified according to the regional groups as following: 3 temporary members from the group of Africa, 1 permanent and 2 temporary members from the Asia Pacific Ocean group, 1 permanent and 1 temporary member from the Eastern Europe group, 2 temporary members from the Latin American and Caribbean group, 3 permanent and 2 temporary members from the Western Europe and others group are elected. Apart from these 5 main groups there are categories of the UN member states never being a member of any group, i.e., monitoring states (Palestine) and argumentative regions (the Northern Cyprus Turkish Republic). And Kiribati Republic (The island state in the Pacific Ocean)the only state staying out of all categories (Ozan Örmeci Birleşmiş Milletler Güvenlik Konseyi ve Bölgesel). As it is obvious, no any Muslim country has permanent membership right in the Security Council. Two permanent members of the SC are the Western European states. They are Great Britain and France. Africa, Latin America and Caribbean region don't have permanent representatives, although the second one is the second most dense continent.

The veto right of the permanent members is one of the worst gaps of the SC and this power made the organization non- democratic. The SC's not being apparent, most of working manners being ineffective led to strong challenges for reforms. Defense of international peace and security is different in different geographic regions. As the last weakest point of the SC it should be noted that, permanent members of the SC are the most weapon exporting states at least in the last 10 years. From 2000 to 2010 those ones are responsible for exporting 71% of the custom weapons (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p.32). In the 26th paragraph of the Charter it is stated about the defense of peace and security: "With the aim to support protection and maintaining peace and security by assigning the less world human resources for manufacturing of weapons, the SC is responsible for arranging the plan for creation of the system of control of weapons to be introduced to the UN members as it is considered in 47th paragraph by assistance of the Military Staff Committee" (Charter of the United Nations and Statute of the International Court of Justice, San Francisco, 1945, p.7). That's why 5 permanent members of the SC are accountable for construction of the system of the control of arming. Increasing of arming, interests of selling weapons for conflicting countries doesn't allow the SC to fulfill its duties in resolution of problems. The responsibilities of SC are defined in the UN Charter's 24th paragraph's first item as following: "The UN members give main responsibility of maintaining international peace and security to the SC in order to ensure quick and effective actions of the UN and agree the SC to speak on behalf of them while fulfilling the duties coming from its responsibility" (Charter of the United Nations and Statute of the International Court of Justice, San Francisco, 1945, p.7). In the second item of the same paragraph it is stated that the SC acts according to the UN aims ad principles. The precise responsibilities given to the SC to fulfill these duties are reflected in the VI, VII, VIII and XII chapters. According to the 25th paragraph of the Charter the UN members have to obey the deci-

sions of the SC and implement them (Charter of the United Nations and Statute of the International Court of Justice, San Francisco, 1945, p.7). The permanent members of the SC are the leading states of the world, most funding the UN activity, with ability to assign military force. When the UN established, the USA, Great Britain, France became powerful colonial states, USSR became a power state. Given the measures for being a leading state features of population, territory, amount of natural sources, military power, economic and technical development, Chine was able to have influence to the international relations system too. This country actively participated in the Second World War. F. Roosevelt, president of the USA agreed to discuss the world's strategy only with U. Churchill and most states, firstly Chine didn't like that. Generalissimos Chan Kayshi, who received the high general commander title in the second world war's Chine front, declared his desire of participate in the union strategy. F. Roosevelt requested the minister of finance H.Morgentau to allocate half a billion debts for Chan Kayshi administration in January 1942 to improve the situation. But Kayshi declared that this will not affect to participation in the world strategy (Dadashova R.B. Beynelkhalq munasibetlerin muasir problemleri və BMT, 2011, p.10). Thus, Chine could get its position among the permanent members of the SC.

Along with the permanent members, temporary members also play significant role in the discussions. According to the geographic division, 5 members are elected from Asia and Africa, one member from the Eastern Europe, 2 members from Latin America and 2 members from the Western Europe and others.

The USA, Great Britain, USSR, later France and Chine as the founders of the UN allocated the insurance of international peace and security to the SC as the main organ. The SC adopts juridical acts according to the Charter. As punishment of the aggressor state is in the hands of 5 permanent states with veto right, the activity of the SC is somehow dependent of their operative actions. The SC can adopt legal based decisions for implementation of armed forces, sanctions and embargo on behalf of the UN for maintaining the international peace and security along with making recommendations as the representative organ of the member states of the UN (Basic facts about the United Nations, 2000, p.69). The SC can also make sanctions for peace operations conducted by separate states, other international organizations. For example, the UN made sanctions against the NATO operations in Kosovo in 1999 and established the UN mission on temporary management activities there. Each UN state takes commitment for implementing the SC decisions with no deviation. Any state that doesn't comply with the resolutions adopted by the SC within the international norms of law opposes humanity. The SC differs from the other main organs of the UN by not only adoption of the resolutions but also by its large-scale function and responsibilities. American lawyer G.Kelzen writes about that: "Responsibilities of the SC coincides with the all responsibilities of the UN" (Fedorov V.N., Efimov G.K. OON I podderjaniye mejdunarodnogo mira, 1969, p.20). These decisions are made in accordance with the Charter adopted by all members and all the members are obliged to implement them. The SC can change its decision by itself. In case any new cases identified while initially adopting any decision, the SC would revise it and can make changes in its resolution. According to the Charter all the resolutions of the SC are juridical decisions and all member states must follow this in accordance with the international norms of law. Sanctions and resolutions are very important in maintaining the security as International legal regulation tool. The resolutions adopted by the GA and SC in accordance with the Charter are the serious actions against the violations of the law. But military sanctions can be adopted only by the UN (Shibayeva E.A. Pravo mejdunarodnikh organizatsiy. Voprosi teorii,p.119). According to the 39th paragraph of the UN Charter, the SC identifies if there is any harassment act against peace and makes recommendations, adopts decisions for taking measures to maintain international peace and security in accordance with the 41st - 42nd paragraphs (Birleshmish Milletler Teshkilatinin Nizamnamesi,p. 26-27). Initially the SC implements actions in a peaceful way. It is stated in the 40th paragraph of the Charter: "Before making recommendations or adopting decisions about the measures considered in the 39th paragraph, the SC may require the involved parties to implement the temporary actions which he considers to be necessary to prevent the situation to go worse. These temporary actions must not violate

the rights and positions of the involved parties" (Charter of the United Nations and Statute of the International Court of Justice, San Francisco, 1945, p.9). According to the 41st paragraph, the SC can apply economic sanctions for guilty party and can use military force (Charter of the United Nations and Statute of the International Court of Justice, San Francisco, 1945, p.9). If above listed actions are ineffective, the 42nd paragraph is applied. It means, the SC can take necessary actions to maintain and recover the international peace and security by means of the air, marine or land armed forces (Charter of the United Nations and Statute of the International Court of Justice, San Francisco, 1945, p.9). As violation of the international norms of law concerns to all subjects' interests, along with the SC, UNESCO, Food and Agricultural Organization of the UN and other specialized organizations can apply sanctions too. As the purpose of the all sanctions is to warn the law violation, application of these tools is lawful. Because the sanctions make the guilty state follow the norms of law, makes positive effect for protecting peace and security.

The Security Council doesn't deal with all conflicts, but only with those which threats the international peace and security. Meetings of the SC can be held open or closed. Although states whichever would like, conflicting parties can attend in the open meetings, they cannot involve in decision making process. But in the closed meetings no decisions are made, one copy of the stenogramm of this kind of meetings are preserved in the Secretary. In most cases advisor meetings are held in the special rooms with participation of the SC members and Secretary (4-5 representatives from each state).

No any other organ rather than the SC, even the General Assembly doesn't have the right of establishing, finance and use an armed force. With this perspective the responsibilities of the SC are large scaled and it needs to be directed in the effective direction in collective security. Main responsibility is on Military Staff Committee for acceleration of peacekeeping operations and increasing the effectiveness of the SC activity. In the 46th paragraph it stated about this: "Armed forces application plans are drawn up by the SC with assistance of the Military Staff Committee" (Charter of the United Nations and Statute of the International Court of Justice, San Francisco, 1945, p.10). Despite the GA being more multimembered organ of the UN members unlike the SC, it has limited responsibilities on defensing the peace and security in the international relations system. In the sessions of the GA small states also cooperate in resolution of international issues besides the great states. In the 10th and 11th paragraphs of the Charter it is stated that the GA has the right of discussing any actions, making recommendations for the UN members or the SC or both (Charter of the United Nations and Statute of the International Court of Justice, San Francisco, 1945, p.4). However, the main responsibility on defensing the peace and security is still stated to be on the SC in the Charter. As it is written in the 12th Paragraph of the Charter, while execution its activity if the SC doesn't request, the GA cannot give any recommendation for the same conflict or condition (Charter of the United Nations and Statute of the International Court of Justice, San Francisco, 1945, p.5). According to the Charter joint activity of the GA and the SC can be effective in defense of the international peace and security. The SC must act flexibly and effectively. While resolving of conflicts peacefully, identification of rights of the members, withdrawing any members from the UN the recommendation of the SC is required. Russian researcher Neshatayeva T.N states that the GA resolutions are a contract type and they are a legal commitment for applied subjects (Neshatayeva T.N. Mejdunarodniye organizatsii i pravo. Novie tendentsii v mejdunarodno-pravovom regulirovanii, 1999, p. 95).The GA reports to the UN members only after the SC reviews the issues in agenda. The SC gives annual report to the GA but the GA doesn't have any right to dislike any resolution. The GA must implement the SC resolutions. The GA decisions' being only advisory type, attendance of the same member state in all authorities restricts sovereignty of the states (Mirovaya politika i mejdunarodnie otnosheniya, 2008, p. 248). The UN members must obey the decisions, resolutions of the SC and implement them according to the 25th paragraph of the Charter (Charter of the United Nations and Statute of the International Court of Justice, San Francisco, 1945, p.7). By this was the UN becomes an organization which harms interests of the other states and acts in favor of the ambitious interests of 5 permanent members. Thus, decision making process is in the hands

of 5 states with veto right and not only in the SC also in the GA "the weight of voice" is different. Great states have great voice, small states have small voice. If 14 members support decisions of the SC, one of the permanent members is against that, the decision is not accepted. If 9 members including 5 permanent members support the decision and the rest 6 members don't support that, the decision is accepted.

The USA has been taken advantage of its veto right for its own interests since the UN was established. Politicians and lawyers of the USA write about the UN's using the "angry veto right" (Fedorov V.N., Efimov G.K. OON i podderjaniye mejdunarodnogo mira, 1969, p.40-45). USSR also was preventing the "unwanted" resolutions by using the veto right. During the cold war period the Soviet Union used the veto right relatively more than other permanent members. Since 1946 USSR vetoed 119 resolutions (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p.12). The same situation continued in the years to come. Russia vetoed two resolutions related to Cyprus and the rest 14 states votes in favor of the resolution. This was coming from the interest of Russia on Balkan region. Russia vetoed the resolution about Bosnia and Herzegovina too. On 2008 Russia vetoed the resolution related to the crisis in Georgia and hindered adoption of the decision of the Monitoring mission of the UN for expanding its mandate in Georgia and Abkhazia. Moreover, Russia vetoed the SC resolution related to condemnation of human rights in Burmese and Zimbabwe together with China. Because both states have close economic relations with Russia and China. Since 1971 Republic of China used the veto right 6 times after being replaced with People's Republic of China (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p. 12). 4 of them were applied after the cold war period. As it was mentioned above, China joined to Russia for applying veto on two resolutions about condemnation of human rights in Burmese and Zimbabwe. Like Russia, China also had economic interests in these two countries. Burmese is very important for China politically and its government is highly dependent on China due to the existing level of administration. Besides that, China applied veto on resolution about allocating of observers for assessing the ceasefire on Guatemala in 1997, on resolution about locating peacekeepers in Macedonia in 1999.

The reason of these two votes was political relations between Macedonia, Guatemala and Taiwan. Thus, China used the veto right for punishment of the states which recognized Taiwan as an independent sovereign state (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p. 12-13).

France and the Great Britain used the veto right for the last time in 1989 for the condition in Panama together with the USA. These two states never applied veto to any resolution in last 20 years (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p. 13). But France several times applied veto for preventing projects accepted by the SC.

The USA is the most active user of the veto right after Russia. And after the Cold war was over the USA was the most time user of veto right. This state has vetoed 83 resolutions after establishment of the SC. 14 of them concern to the period since 1991 (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p.14). 13 resolutions out of 14 concerned to Israel and by vetoing on them the USA ensured the political defense for its strategic ally Israel in the Near East. Challenges of condemning of the actions executed by Israel, claiming the construction of security wall being illegal, requesting withdrawal of Israel troops from Gazza, resolutions condemning the activity of Israel settlements in Eastern Jerusalem were vetoed by the USA (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p.13).

The USA also applied veto for the resolution being supported at least 130 countries and condemning the settling activity of Israel and requesting to stop these actions (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p.14). Despite the promises of having better relations with Arabian world, this resolution was the first one to be vetoed by Barak Obama's administration. Following the words by Dr. Conohn Mirhseimer, chief of the International Security Program in Chicago University the USA vetoed this resolution under pressure by the Isra-

el's lobby (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p.14).

Only one of the resolutions vetoed by the USA after the cold war period is not related to the Israel-Palestine conflict. Such as, the USA applied veto for revalidating of the peacekeeping mandate of the UN in Bosnia in 2002, 30th osf June. Representative of the USA claimed that this decision is not aimed for "favor of Bosnian people" and the purpose of that is to release the American peacekeepers from the International Court's responsibility (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p.15).

The USA also takes advantage of its comparingly much funding the UN as a pressure tool in decision making process. The classification of the membership fee of countries is identified by the GA in every three years. In this process the economic development level and population is taken into consideration. The USA is the most funding state of the UN. It funds the organization individually apart from membership fee. The USA pays 22 percent of the UN budget. This is the highest amount identified for funding the UN. The USA pays 10 billion dollars in a year individually and 600 million dollar of regular membership fee. 3.8 billion dollars of this assigned for peacekeeping missions, 5.5 billion dollars assigned for different organizations and programs («Popitka prodemonstrirovat vliyaniye»: pochemu SSHA sokratili individualniy vznos v byudjet OON). On December of 2017 the USA decreased the membership fee for the UN by 285 million for 2018-2019. The reason of this action was the GA not recognizing the Jerusalem as a capital of Israel («Popitka prodemonstrirovat vliyaniye»: pochemu SSHA sokratili individualniy vznos v byudjet OON.). Besides that, the USA three times vetoed resolutions however the rest 14 members were supporting them. These facts demonstrate the grade of political isolation of the USA from its position for Israel-Palestine conflict. Also, this fact demonstrates how the veto right gives opportunity for the state like the USA for preventing the adoption of resolutions. On July 2002 the USA diplomat John Neqropanti commented on "Neqropanti Doctrine" (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p.14). He explicitly expressed that the resolution about Israel-Palestine will comprise of 4 elements, he declared that in opposite case, the USA will apply veto for the resolution. These 4 elements were as listed below: (a) We openly condemn the terroristic acts; (b) Agsa Martirs Brigade, Islamic Jihad and Hamas must be punished for being responsible for the terror; (c) We urge all parties to make a political settlement; (d) Any call for withdrawal of Israel forces to its position on September 2000 must request improvement of the security as a condition. There was no any resolution condemning Agsa Martirs Brigade, Islamic Jihad and Hamas, but there were some projects condemning the actions of Israel and Palestine. They were exposed to veto of the USA too (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p.14). These facts demonstrate how the veto right power allows the permanent members to prevent people's resolutions from being adopted.

But already applying veto has lost its attractiveness. Now permanent members are lobbying to prevent a controversial issue coming to the Security Council. Australian researcher John Langmor notes that, China didn't veto the UN SC resolution to prohibit International community flights to the Libyan in 1973 taking into consideration the international community's opinion (Okhovat Sahar. The United Nations Security Council: Its Veto Power and Its Reform, 2012, p.15). China together with Russia, Germany, Brazil and India avoided only voting. This was necessary not to notice the permanent states' taking advantage of veto right and cover up this fact so that not to be noticed as a prevention of international peace and security.

A.V. Torkunov, the Russian researcher stressed the increase of the UN responsibilities after the Cold war and necessity of having reforms in the organization (Sovremenniye mejdunarodniye otnosheniya, 2000, p.228-229). Along with explaining the necessity of the GA adopting a decisive decision, more clear identification of the status of Secretary General, reconstruction in the activity of the Secretary, precision of the specialized bodies' functions, connecting their activity, expanding the responsibilities of the International Court, the author takes the UN reforms the foreground, states that increasing the number of the permanent members would paralyze activity of the SC,

would have negative effect on resolution of international conflicts. According to the "compensation doctrine" put forward by the USA lawyers getting weakened any main organ of the UN would lead to the weakening of the other organs too (Fedorov V.N. Sovet Bezopasnosti OON, 1965, p.46).

So, analysis of the above-mentioned stuff demonstrates that for reinforcement of role of the UN in adjustment of regional conflicts first implementation of reforms in the SC is very important. With the purpose of increasing the effectiveness of the UN on 17th of December 1963 the SC was expanded from 11 to 15 members. On 1970th it was suggested to expand the SC from 15 to 21 members by addition of Africa and Asia members by reviewing the UN Charter. It was not a coincidence that USSR's foreign affairs minister A.A.Qromiko stressed the necessity of reinforcement of effectiveness of the SC in his speech on 23rd session of the GA.

USSR Secretary E.A.Sherwardnadze, reporting on the occasion of the 40th anniversary of the establishment of the UN declared that the USSR is one of the funders of the UN and they wish the UN to be a prestigious organization and if serves in favor of people's interests its reputation would increase (Fedorov V.N. OON i problem voyni i mira, 1988, p.12). In the period of the Cold War the veto right was vital for the USA's fight against the socialist system or opposite, the USSR's protecting its system and preventing the USA's interests, in other words, for creating balance in the world. But now USSR doesn't exist, the USA is a hegemon state and Russia doesn't give up the plan of not allowing any other state to this region and recovering its lost reputation in the former Soviet region. It is necessary to note that, it was the USSR's initiative to give the veto right authorization to the permanent members of the SC. That time although the USA president Roosevelt supported the veto right, the Senate was not supporting this idea. Stalin and Churchill were supporting the principle of unity. Stalin had declared that he would not attend in the project about establishment of the UN If this principle wouldn't be accepted. For Stalin's position not implementing of this principle would lead to the controversy of the power states, breaking of the common security, create threat for smaller states (Dadashova R.B. Beynelkhalq munasibetlerin muasir problemleri və BMT, 2011, p.15). As it was already mentioned, today the UN has got 193 members. Inequality between numbers of members of the SC and GA is one of the main faults of the SC. This is contrary to the content of paragraph-2 of the Charter, i.e., it violates "principle of sovereign equality of all the members". For this reason, membership of many countries is a kind of "advertising" purpose.

The Security Council recently adopted a number of resolutions to protect international peace and security. But most of them are not implemented and remains on the paper. As the UN doesnt have enough military force for adjusting and preventing of international conflicts, the USA taking advantage of the regional agreeement right in accordance with 52nd paragraph of the Charter is trying to resolve the regional conflicts in favor of its own interests by using NATO where itself takes leading position.

Russia doesn't give up its claims too and tries to recover its reputation in the territory of the former USSR, tends to prevent development of new independent states. Historically, Russia tries to achieve this by different means, mainly by generation of religious discords.

The investigations conducted demonstrate that, the main faults of the SC are as listed below:

The first, veto right of the permanent members and power coming from this right made the organization non-democratic. Permanent members use the veto power as a political weapon against each other. The second, increase of armament, interest of selling weapons to the conflicting countries prevents the SC to fulfill its role on adjustment of conflicts. The third, permanent and temporary members of the SC are selected according to the Cold War period's regions. The fourth, there is inequality between numbers of members of the SC and GA. Following the investigations, it is identified that, currently permanent members lobby to prevent any controversial problem addressed to the SC. Sometimes they rely on "pocket veto", i.e., they prevent the project they don't want to be brought to the agenda. These cases are necessary not to notice the permanent states' taking advantage of veto right and cover up this fact so that not to be noticed as a prevention of international peace and security.

DISCUSSION AND CONCLUSION

In the modern age when new global problems emerged it is important to keep and improve the activity of the UN as a universal organization which was established for the need of protection of peace and security after the Second World War. That's why there is need for useful reforms in the organization especially with positive effect in adjustment of regional and international conflicts.

Through the investigations it is identified that, first of all, the right of veto of permanent members is one of the main fault of the UN Security Council. This power turned the organization into non-democratic, political-diplomatic discussion club. Permanent members use the right of veto in the fight against each other as a political weapon. Existence of contradiction among the permanent members of the SC emerging from not satisfaction of geopolitical interests, having veto in the mechanism of the UN and non-democratic voting in adoption of decisions hinder adjustment of international and regional conflicts. Therefore, dual standards appear in the activity of the states applying veto in favor of own interests and of the states against them. The most suffering of that are countries those exposed to military aggression and those having separatism in own territory and their people. Countries with veto right uses all legal or illegal means for realization of their claims and in this process most times principles of international norms of law are of the secondarily importance. The USA tries to resolve conflicts occurring in the regions in favor of own interests through the NATO where itself takes leading position. Russia, as well as France try to resolve the problem within their own interests by sending their military contingent to the regions formerly being their colony and currently they cannot put up with their independence.

The second, rapid increase of armament, interest of selling weapons to the conflicting states doesn't allow the SC to fulfill its responsibilities. The SC is accountable for regulation of arming. The same time, most weapon selling states are permanent members of the SC. The permanent members are accountable for 71 % of the custom weapons manufacture and they delay resolution of conflicts by abusing veto right for their interest of selling weapons. Permanent members of the SC Russia and the USA are in the front ranges of the world's weapon selling market.

The third, permanent and temporary members of the SC are selected from the regions according to the Cold War period and injustice is noticed in this choice clearly. the African group comprising 54 African countries members doesn't have any single permanent member in the SC. It has got 3 temporary members. 53 membered Asia Pacific group (Cyprus Republic is also in this group) has 1 permanent (Chine Republic), 2 temporary members. 33 membered the toughest third group of Latin American and Caribbean doesn't have any permanent member, it has got only 2 temporary members and it is the most ineffective group. 23 membered eastern Europe Group, comprising of the Eastern Europe and Caucasus countries has the right of having 1 permanent (Russia Federation) and 1 temporary member. The states of the smallest 28 membered group of the Western Europe and others having 3 permanent members (the USA, Great Britain, France) and 2 temporary members involves attention. Along with the Western Europe states, Austria, Canada, Israel, New Zealand and Turkey are also in this group. The USA, which is not a standalone member of any other group is the monitoring member of this group. Also, there are categories of the UN member states never being a member of any group, i.e., monitoring states (Palestine) and argumentative regions (the Northern Cyprus Turkish Republic). As it is obvious, no any Muslim country has a permanent member in the Security Council.

The fourth, inequality between numbers of members of the SC and GA is one of the main faults of the SC. There are 193 states in the GA, 15 states are represented in the SC. 5 permanent states out of these 15 control the world. Temporary states have limited responsibilities. If 14 members vote of any decision while being adopted and only one permanent member votes against that, the decision is not adopted. If 9 members including 5 permanent members vote in favor of any decision and six members vote against it, the decision is adopted.

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